

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7096

ROBERT DALE STRICKLER,

Plaintiff - Appellant,

versus

SHERIFF MCCABE, Norfolk City Jail; MAJOR CAMACHO, Chief Corrections Officer, Norfolk City Jail; CAPTAIN KOCEJA, Assistant Corrections Officer, Norfolk City Jail; CAPTAIN STOCKS, Chief Records Officer, Norfolk City Jail; LIEUTENANT BLUNT, Team Commander, Norfolk City Jail; SERGEANT WHITE, Assistant Team Commander, Norfolk City Jail; DEPUTY ORTIZ, Floor Deputy, Floor Supervisor, Norfolk City Jail; DEPUTY WALSH, Law Library Supervisor, Norfolk City Jail; MR. CRADOCK, Chief Classification Officer Norfolk City Jail; MARLO COPELAND, Supervisor, Inmate Funds, Inmate Canteen; SHERIFF NEWHART, Chesapeake City Jail; CAPTAIN CHESSOM, Chief Correctional Officer; SERGEANT HOEKLIN, Dayshift Sergeant; DEPUTY MILAN, Floor Deputy; DEPUTY DUNN; SERGEANT KIRBY, Dayshift Sergeant; MR. KITE, Chief Classification, Chesapeake City Jail; RON ANGELONE, Director, Department of Corrections; PATRICK GURNEY, Manager, Classification and Research, DOC; LINDA PITTMAN, Chairman, Virginia Parole Board; GEORGE ALLEN, Governor; JOHN R. DEWAN, Superintendent, Western Tidewater Regional Jail (W.T.R.J.); CAPTAIN FAULK, Chief of Security, W.T.R.J.; MR. ELLEY, Law Library Supervisor, W.T.R.J.; MR. WESTMINISTER, Head of the Medical Department, W.T.R.J.; MIKE DISTEL, Chief Classification Officer, W.T.R.J.,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. J. Calvitt Clarke, Jr., Senior District Judge. (CA-97-126-2)

Submitted: April 16, 1998

Decided: April 29, 1998

Before WILKINS and HAMILTON, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Robert Dale Strickler, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Robert Dale Strickler appeals the district court's order dismissing his 42 U.S.C. § 1983 (1994) complaint without prejudice for failure to exhaust administrative remedies. The district court properly required exhaustion of administrative remedies under 42 U.S.C.A. § 1997e(a) (West Supp. 1997). Because Appellant did not demonstrate to the district court that he had exhausted administrative remedies or that such remedies were not available, the court's dismissal of the action without prejudice was not an abuse of discretion. We note that Strickler's claim seeking transfer to a state facility is not subject to the exhaustion requirement of § 1997e as it involves a condition of confinement. Nonetheless, we conclude that the claim was properly dismissed because Strickler has no liberty interest in such transfer. See Sandin v. Conner, 515 U.S. 472 (1995). We therefore affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED